

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA
PLAINTIFF,

HON. ROBERT H. CLELAND

CASE #: 11-20129

VS.

SCOTT WILLIAM SUTHERLAND, ET. AL.
DEFENDANTS.

UNITED STATES OF AMERICA
PLAINTIFF,

CASE #: 11-20066

VS.

JEFF GARVIN SMITH, ET. AL.
DEFENDANTS.

UNITED STATES OF AMERICA
PLAINTIFF,

CASE #: 12-20387

VS.

SMILEY VILLA
DEFENDANT.

**JOINT STIPULATIONS REGARDING THE FILING OF MOTIONS,
NOTICES, REQUESTS, JOINDERS AND CONCURRENCES**

The parties stipulate to an Order incorporating the following stipulations:

A. MOTIONS, RESPONSES AND REPLIES

- Each party may file their own motions, responses to motions and replies (“pleadings”).

All pleadings shall use the combined case caption as above. All defense pleadings shall identify, in the title of the pleading, the Defendant or Defendants who are making the pleading, the Defendant or Defendants’ numbers, and the subject of the pleading, i.e.,

Defendant Tom Jones (D-12) Motion to [Description].

B. CONCURRENCES

- Local Rule 7.1 requires parties to seek concurrence of the opposing party before filing any motions. Defendants are responsible for seeking concurrence of the Government before filing a defense motion.
- As used in this document, “concurrence” means the motion will not be opposed and, if concurrence is obtained, the movant may make the subject matter of the motion a matter of record by stipulated order. See LR 7.1(a)(1).
- The Government shall seek concurrence to its motions or stipulations by emailing its request for concurrence to each defendant who is subject to the motion, or to all defendants if appropriate.
- Each Defendant shall respond individually to the Government within 2 business days of the government’s request. However, if the Government’s motion or stipulation is addressed to all defendants, each Defendant shall respond to the Government’s request for concurrence by email to their liaison counsel within 2 business days of the Government’s initiating email.
- Each Defendant must notify their Liaison Counsel of their concurrence or denial of concurrence. The email to Liaison Counsel should state “Defendant [Name] (D-#) concurs/denies concurrence with the Government’s proposed Motion to [Description].” A failure of defense counsel to respond to liaison counsel shall be considered by Liaison Counsel as a denial of concurrence. Liaison Counsel will tabulate the responses for their Group and will notify the Government by email of the positions taken by their respective

group members within 5 business days of the Government's initiating email.

C. JOINDERS

- Each Defendant is responsible for reviewing pleadings filed by other Defendants to determine if his or her joinder is appropriate.
- Notices of Joinder by Defendants will be filed only by designated Liaison Counsel for each group.
- Any Defendant may join any pleading filed by any other defendant, if such joinder is appropriate, by asking Liaison Counsel to file a Notice of Group Joinder. Liaison Counsel will file a Notice of Group Joinder even if only some group members wish to join.
- The Notice of Group Joinder shall be titled : "Notice of Joinder by Group ____." (insert Group identifier).
- The first paragraph of a Notice of Group Joinder shall state the names and numbers of each joining defendant, i.e. "Defendants [Name] (D-#), [Name] (D-#), [Name] (D-#), and [Name] (D-#), through their respective counsel, join in Docket Entry # __, Defendant [Name]'s (D-#) Motion for [Description]."
- The Notice of Group Joinder shall be electronically signed by Liaison Counsel. A Notice of Group Joinder may identify more than one pleading being joined if the joining defendants are identified.
- Group members shall notify their Liaison Counsel by email of their intent to join a docketed pleading within 3 business days of its docketing. The suggested email response is: "Defendant [Name] (D-#) joins Defendant [Name] (D-#) Motion to [Description], DE # __) Failure to notify Liaison Counsel within 3 business days shall be treated as non-

joinder.

- Liaison Counsel shall file any Notice of Group Joinder within 5 business days of the docketing of the original pleading.
- Liaison Counsel may not file a Notice of Joinder as to another Notice of Joinder.
- A Notice of Joinder shall not be included in any other document.

D. DOCKETING

- All motions, responses to motions, or reply briefs of the Government shall be filed in each docket in which a subject defendant is a named defendant. Any motion, response to a motion, reply brief or notice filed by a defendant or liaison counsel shall be filed in each docket in which the movant or responding defendant or defendants are charged. Example 1: If Defendant A and B file a joint motion and both are charged only in Case #: 11-20129, their motion and reply shall be filed only in that case. If either or both Defendants are charged in more than one case, the document shall be filed in each case in which either Defendant is a party. Example 2: If Defendant A is charged in more than one case, the motion, response or reply brief shall be filed in each case in which he is charged.
- A defense pleading should be docketed only as to the filing defendant or defendants, not as to the main case unless the pleading is being filed as to all defendants. Be sure to check off only the applicable Defendants.
- The title of the document being filed and the text of the docket entry should match.
- To properly docket joinders, Liaison Counsel must select each Defendant in the group who is joining, the Defendant who filed the document being joined, and the document (DE #) being joined.

- Concurrence or lack of concurrence should not be docketed.
- If you have any questions or problems with docketing,
 - Do not complete your docket entry.
 - Immediately call the HELP desk at 313-234-5042.

Respectfully Submitted,

s/Saima S. Mohsin w/permission
AUSA Saima S. Mohsin
U.S. Attorney's Office
211 W. Fort Street, Suite 2001
Detroit, MI 48226
(313) 226-9163
Email: Saima.Mohsin@usdoj.gov
Attorney Bar Number: P73990

s/Margaret Sind Raben
Counsel for Scott Perkins, D-24
Gurewitz & Raben, PLC
333 W. Fort Street, 11th floor
Detroit, MI 48226
(313) 628-4708
Email: msraben@aol.com
Attorney Bar Number: P39243

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA
PLAINTIFF,

HON. ROBERT H. CLELAND

CASE #: 11-20129

VS.

SCOTT WILLIAM SUTHERLAND, ET. AL.
DEFENDANTS.

_____ /

UNITED STATES OF AMERICA
PLAINTIFF,

CASE #: 11-20066

VS.

JEFF GARVIN SMITH, ET. AL.
DEFENDANTS.

_____ /

UNITED STATES OF AMERICA
PLAINTIFF,

CASE #: 12-20387

VS.

SMILEY VILLA
DEFENDANT.

_____ /

ORDER GRANTING
JOINT STIPULATIONS REGARDING THE FILING OF
MOTIONS, NOTICES, REQUESTS, JOINDERS AND CONCURRENCES

The attached stipulations are hereby made an Order of the Court.

IT IS SO ORDERED.

Date: 7 Dec '12



Hon. Robert H. Cleland